REMARKS/ARGUMENTS

1.)   Claim Rejections – 35 U.S.C. §102(b)

The Examiner has maintained the rejection of claims 50-53, 55-60, 62 and 63 as being anticipated by Kamm, *et al.* (U.S. Patent No. 5,457,680). The Applicants traverse the rejections.

Claim 50 recites:

> 50.   A method of channel resource allocation in a wireless communications system, said method   comprising the steps of:
> sniffing one or more data transmissions to or from a data provider <u>for information within one or more application-level data packets, the information being related to application-level data object size</u>; and
> allocating radio resources as a function of said data object size<u>, wherein said step of allocating radio resources comprises the step of predicting a future data rate from the information related to data object size</u>. (emphasis added)

The Applicants' invention is directed to allocation of channel resources in a wireless communications system. To efficiently allocate channel resources, the invention <u>sniffs data transmissions</u> ***for information related to application-level data object size***. Based on such data object size, a **future data rate is predicted** and appropriate radio resources are allocated. Kamm fails to teach that combination of elements.

In response to the prior Office Action, the Applicants amended claim 50 to include the limitations of claim 54, which the Examiner had simply asserted was taught by the "channel assignment predictions" taught by Kamm at column 14, lines 55-61. The Applicants noted that predicting a channel assignment, however, is not the same as allocating radio resources based on a predicted future data rate, wherein the prediction is based on a detected application-level data object size.

The portion of Kamm relied upon by the Examiner **only** teaches that after a mobile data gateway (MDG) "has collected sufficient analog channel history, it will begin to predict future [channel] assignments." That is not what is recited in claim 50. First, "sniffing one or more data transmissions to or from a data provider <u>for information within one or more application-level data packets, the information being related to application-</u>

level data object size" is not the same, or even analogous to, collecting "sufficient analog channel history." The closest comparison in the teachings of Kamm is to "allocating an additional channel to the mobile data radio <u>when the forward data packet size is greater than a threshold value</u>." Applicants' invention is not concerned with packet size, however, but information "within" application-level data packets that relate to the size of the application-level data object (such as a video or photo) that is transmitted using, as known to those skilled in the art, multiple data packets. Furthermore, there is no reference in Kamm to predicting a "future data rate" as a function of the acquired knowledge of the data object size.

It must be remembered that anticipation requires that the disclosure of a single piece of prior art reveals **every** element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation **cannot be met by an element in a reference that performs a different function**, even though it may be part of a device embodying the same general overall concept. Whereas Kamm fails to anticipate each and every limitation of claim 50, that claim is not anticipated thereby. Whereas independent claim 57 includes analogous limitations, Kamm also fails to anticipate that claim. Moreover, whereas claims 51-53 55 and 56 are dependent from claim 50, and claims 58-60, 62 and 63 are dependent from claim 57, and include the limitations of their respective base claims, those claims are also not anticipated by Kamm.

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CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 50-53, 55-60, 62 and 63.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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